



The Internet & Television Association
25 Massachusetts Avenue, NW | Suite 100
Washington, DC 20001
(202) 222-2300

Rick Chessen
Chief Legal Officer
Senior Vice President, Legal & Regulatory Affairs
o (202) 222-2445 e rchessen@ncta.com

November 12, 2019

VIA ECFS

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Notice of Ex Parte, Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act of 1992, MB Docket No. 05-311

Dear Ms. Dortch:

On November 7, 2019, Rick Chessen of NCTA – The Internet & Television Association spoke with Holly Saurer and Brendan Murray of Media Bureau, and Susan Aaron and Maureen Flood of the Office of General Counsel regarding the above-referenced proceeding. On November 12, 2019, Rick Chessen; Tara Corvo of Mintz, on behalf of NCTA; and Howard Symons of Jenner & Block LLP, on behalf of NCTA, met with Thomas Johnson, Jacob Lewis, Susan Aaron, and Maureen Flood of the Office of General Counsel and with Michelle Carey, Holly Saurer, and Brendan Murray of the Media Bureau regarding the same.

We discussed language in paragraph 21 of the Media Bureau’s recently released *Order Denying Motion for Stay* (“*Stay Order*”)¹ that references the implementation process for compliance with the Commission’s *Third Report and Order*.² Although this language is only meant to paraphrase controlling statements in the *Third Report and Order*, we expressed concern that the Bureau’s rephrasing could be misinterpreted in a manner that conflicts with the *Third Report and Order*, creating unnecessary confusion as franchising authorities and cable operators begin to implement the *Third Report and Order*. We suggested that, to avoid such potential confusion, the Media Bureau should issue a simple correction that ensures this aspect of the *Stay Order* is consistent with the Commission’s actual guidance in the *Third Report and Order*.

¹ *Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act of 1992*, Order Denying Motion for Stay, MB Docket No. 05-311, DA 19-1149 (rel. Nov. 6, 2019).

² *Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act of 1992*, Third Report and Order, 34 FCC Rcd. 6844 (2019) (“*Third Report and Order*”).

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This letter is being filed electronically pursuant to Section 1.1206 of the Commission's rules. Please direct any questions to the undersigned.

Respectfully submitted,

/s/ Rick Chessen

Rick Chessen

CC: Thomas Johnson
Jacob Lewis
Maureen Flood
Susan Aaron
Michelle Carey
Holly Saurer
Brendan Murray